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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ESTER LORUSSO,

Plaintiff,

-against-

1:07 CV 03583-LBS

ALITALIA-LINEE AEREE ITALIANE, SpA,

Defendant.

-----x

DEPOSITION OF FRANCESCO GALLO

Monday, January 7, 2008

New York, New York

REPORTED BY:

Holly Hough

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Q. Gabriele Mariotti?

A. Gabriele Mariotti.

Q. He was fired?

A. Or fired because he resigned because he couldn't take it anymore, I don't know, because it happened after I left Alitalia.

Q. And how do you know that he resigned because of his sexual orientation?

A. That was one of the reasons that he was complaining, plus Mr. Libutti did not make any secrets.

Q. Of what?

A. Of Mr. Mariotti's sexual orientation. Excuse me. My answer to your question, there are more people, I do not recall the names.

Q. And Mr. Mariotti resigned in late 2006, after you left, correct?

A. I left him there, right.

Q. He was still there when you left?

A. Yes.

Q. Are you aware that he had just gotten a promotion before you left?

MR. AKIN: Are you aware.

Q. That's the question.

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1 A. I'm not.

2 Q. No, okay.

3 A. He told me after.

4 Q. He told you after the fact?

5 A. Now I'm aware.

6 Q. Okay. Now Mariani, do you know when she
7 was terminated?

8 A. I don't remember, 2005, 2006, I don't
9 remember.

10 Q. 2005 or '6. Do you know of anybody who
11 was terminated because of her being female?

12 A. Ester LoRusso, that's one.

13 Q. Ester LoRusso was terminated in January of
14 2007?

15 A. I don't know when she was terminated.

16 Q. And how do you know it was because of her
17 gender?

18 A. Because it was part of the package, it was
19 part of the package that, you know, that she had to
20 be terminated.

21 Q. It was part of the package?

22 A. Age, female, lover of Miss Elizabeth
23 Santella, and knowing people at the main office in
24 marketing. And so Mr. Libutti could not have
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control of her, at least that's what he predicated,
and he wanted her to be terminated.

Q. Are you saying that Mr. Libutti believed
that Ester LoRusso was the lover of Ms. Santella?

A. That's what he told me, yes.

Q. When did he tell you that?

A. One morning.

Q. One morning in?

A. Between a cup of coffee.

Q. 2003, 2004, 2005, 2006?

A. I don't remember dates. What I do
remember, there was, a few days after, there was a
seminar in New Orleans somewhere, that's what I
recall.

Q. What position was Ms. LoRusso holding at
the time that Mr. Libutti allegedly said that she
was the lover of Ms. Santella?

A. She was in the same position that she was
when Libutti arrived in New York, was marketing
communication.

Q. So this would be sometime before she went
to GA 2000?

A. Yes.

Q. And Ms. Santella was reporting to her,

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correct?

A. Yes.

Q. Did you ever tell Ester LoRusso --

A. Absolutely not.

Q. Let me finish the question.

A. Oh, okay, sorry.

MR. AKIN: I was going to say --

THE WITNESS: Well, I thought he finished.

Q. Did you ever tell Ester LoRusso that Mr. Libutti thought she was having a love affair with Ms. Santella?

A. Absolutely not.

Q. Did you ever tell anybody else?

A. Someone in Rome, I don't remember who, probably D'Angelo, someone in HR, and of course no one outside Alitalia, with the exception, maybe, I'm not sure, of her attorney.

Q. I'm sorry?

A. Of Ester's attorney, but I'm not sure.

Q. Did Mr. Libutti ever repeat this accusation to you, did he ever tell you again that he thought LoRusso and Santella were lovers?

A. I don't think so. I don't remember.

Q. Did Mr. Galli indicate that he thought

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that Santella and LoRusso were lovers?

A. No.

Q. Did you ever hear rumors from anybody else that LoRusso and Santella were lovers?

A. No.

Q. Do you know where Ms. LoRusso lives?

A. Now, yes, in Manhattan.

Q. Where was she living in 2004?

A. I don't know. I don't know.

Q. Do you know whether she was living alone in 2004?

A. I don't know.

Q. Do you know where Santella lived in 2004?

A. No.

Q. Do you know where Santella lives now?

A. No.

MR. KORAL: I have no further questions on your testimony of Ms. Kurzon, but I'm sure you have a few.

MS. KURZON: I do have a few, but could we take a few minutes?

THE VIDEOGRAPHER: We're going off the record at 2:54 p.m.

(A brief recess was taken.)

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THE VIDEOGRAPHER: We're going back on the record at 3:04 p.m. This is the beginning of tape five.

FURTHER EXAMINATION BY MS. KURZON:

Q. Mr. Gallo, I just have a few follow-up questions in relation to the questions Mr. Koral just asked you.

You had testified that Marta Lotti was one of the various people that had made complaints while you were still employed at Alitalia; were Ms. Lotti's complaints in writing?

A. I don't remember.

Q. Do you know whether any investigation or any results from your investigation would have been in writing?

A. I don't recall.

Q. You also testified in regards to Marta Lotti's complaints that you had a meeting with Mr. Libutti and you warned him; do you know if any of those warnings would have been in writing?

A. My warning to Mr. Libutti?

Q. Yes.

A. Yes, yes, one, more than warning, a note, was a note from me to Giulio Libutti about the

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results of Ms. LoRusso's complaint and the result of the investigation that I made. I wrote a note I wrote for the investigation itself and I wrote a note to Giulio.

Q. Are you referring to Marta Lotti's complaints or Ester LoRusso's?

A. Ester LoRusso.

Q. Okay. My question had initially been from Marta Lotti, but just so the record is clear, when you said that there was something in writing from you to Giulio Libutti, that's in response to Ester LoRusso's complaints?

A. Yes.

Q. Okay.

A. May very well be for Marta too, but I don't recall. I don't remember.

Q. You do recall that you did respond in writing addressing Mr. Libutti in regards to Ester's complaints?

A. Yeah, you have my file at your office under the label "Personnel," there will be all the copies there, if they are, I mean.

Q. That was going to be my next question. Where would I find these notes that you wrote to

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Mr. Libutti? Are these handwritten notes?

A. Yes, and also very confidential, extremely confidential, I wrote on top.

Q. And you're saying that these notes would be in the file called Personnel File?

A. Not this one. This will be in the file on Mr. Libutti. And some copies, some copies you will find in my file under the label, "Reservata, Confidential Employees' Matters."

MS. KURZON: To the extent not already produced, I'm going to request that Mr. Koral produce this file.

MR. KORAL: We have searched for this material diligently. We will search again. It may have inadvertently found its way into the many boxes of materials that Mr. Gallo removed from the office, but we have not seen it.

Q. Mr. Gallo, do you know whether --

MR. AKIN: Wait for the question.

Q. Is there something you would like to say?

A. Yeah, nothing, go ahead.

Q. Mr. Gallo, do you have any of these files in your possession?

A. No. These files were given, hand given,

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to Mr. Libutti the day before I left Alitalia.

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Q. May of 2006?

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A. Yes.

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Q. Who handed them to Mr. Libutti?

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A. I did.

7

Q. At whose request?

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A. My own. It was no request.

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MR. KORAL: I'll contact Mr. Libutti, as well, of course. I'm more interested in seeing this than you are, I think.

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MS. KURZON: I don't know about that.

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Q. So you also testified that a woman named Linda in Personnel made age-discrimination complaints; do you recall whether those complaints were in writing?

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A. I didn't say that. I said that she complained that she did not have, that she was frustrated the way Libutti was treating her. And she was complaining the fact that she was over 50, she was not given the possibility to be promoted at Stephanie's position, Stephanie DiClemente, I'm sorry.

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Q. Going back to your last answer, when you said that you had put notes in writing to

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Mr. Libutti, do you recall what those notes said regarding Ester's complaints?

A. More or less the same, you know, the same story, it's not fair, it's not fair, we're ruining Alitalia, one day we will pay for it, this is not right. He has it. Believe me, he has it.

Q. Mr. Korai asked you whose decision it was to eliminate Ester LoRusso as director of marketing communications, and I believe you said it was Mr. Galli's and Mr. Libutti's decision. Later in your testimony you stated that it was because of the whole package, which was gender and age, because she was allegedly a lover of Elizabeth Santella; was that the same reason they gave you when they told you they wanted to eliminate Ester's position as director of marketing?

MR. KORAI: Objection.

A. That's what the testimony was.

Q. I'm sorry, would you repeat your answer?

A. That's what I testified before.

Q. And you also testified that you had two pamphlets made regarding discrimination laws in 2000. Why did you --

A. 2000, 2001.

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Q. Yes. Why did you have these pamphlets made?

A. Because it was very difficult for me to make people understand that it was a serious matter. And since Mr. Mengozzi, administration at Alitalia, was going public all over, you know, old people out, blah, blah, I say, oh, my God, that's what we needed. In this country it's a different story. It's illegal. So that's the main reason.

Q. Did Mr. Galli or Mr. Libutti ever express why they felt older women should be terminated; did they express whether they felt it was a correlation to their worth or intelligence or productivity or something else?

MR. KORAL: Objection.

A. They expected to find younger chicken, beautiful girls, which they didn't find it.

Q. They expected to find younger chickens?

A. That's a literal translation.

Q. I'm sorry, please explain. I'm just trying to get it clear for the record.

A. When they arrived in New York, they expected to find it young people, beautiful girls. And they always complained that women in Alitalia

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North America were "cessi". Cessi means bathrooms.

Q. Cessi means what?

A. Bathrooms.

Q. Bathrooms. And was it your decision to have the ex-pats take part in the two-day seminar?

A. I has problem, yes, but when they were done, actually, when they were prepared, we did here in New York, as I testified, to have a seminar when Alitalia start that want the ex-patriot employees from Italy, because up to 2001, there was not ex-patriot in North America. And this was not liked by those people. Okay?

Q. What was not liked by which people?

A. Because ex-patriots, Galli, Libutti, see, North America was for five years free of ex-patriots, but not because we didn't want it, because were unnecessary and was very expensive, starting from, you know, school, housing, you name it.

Q. Did Mr. Libutti take part in this two-day seminar?

A. I don't recall. I don't think so.

Q. Do you know whether he was asked to take part in the two-day seminar?

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A. I don't remember.

Q. Do you know whether Mr. Galli took part in the two-day seminar?

A. I don't remember.

Q. Do you know whether Mr. Galli was asked to take part in the two-day seminar?

A. Huh?

Q. Do you know whether Mr. Galli was asked to take part?

A. I don't, I don't remember.

Q. Moving on, you mentioned Tim O'Neill in one of your responses to Mr. Koral's question about who took over the marketing position after Ester was moved to GA 2000.

How old is Tim O'Neill?

MR. KORAL: Objection.

MR. AKIN: You can answer.

A. How is the question?

Q. How old is Tim O'Neill, or excuse me, strike that.

How old was Tim O'Neill when Ester was transferred to GA 2000?

A. I don't know, but I would say in his 40s.

Q. And do you know what position --

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